UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,862	10/02/2003	Anthony Scott Oddo	SEDN/PRED113	4611

56015 7590 06/10/2009

WALL & TONG, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER	
MENDOZA, JUNIOR O	

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
06/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/677,862	ODDO ET AL.	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 16 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 16, 17, 19 – 30, 32, 33 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack et al (Patent No US 7,260,823) in view of Ghashghai et al (Pub No US 2003/0037333). Hereinafter, referenced as Schlack and Ghashghai, respectively.

Regarding **claim 16**, Schlack discloses a method for generating a viewing recommendation (Abstract) comprising:

parsing dynamically (Col 7 lines 10-12, col. 17 lines 15-24; dynamically determining viewer and content being watch at any given moment),

in accordance with a set of stored processing rules (Col. 13 lines 15-18, col. 20 lines 33-38; heuristic rules),

a stream of command signals, and to generate, using command signals associated with a user activated control unit, information representative of the viewer's viewing behavior (Col. 11 lines 34-37, col. 13 lines 1-5),

wherein the parsing comprises interpreting at least one signal from the stream of command signals based on the viewer profile (Col. 17 lines 1-52; interpreting interactions based on viewer profile);

updating dynamically a viewer profile of the viewer based on the generated information representative of the viewer's viewing behavior (Col. 7 lines 10-19, col. 17 lines 15-19);

and determining, based on the viewer profile at least one viewing recommendation (Col. 36 lines 51-55; targeted content).

However, it is noted that Schlack fails to explicitly disclose determining which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation.

Nevertheless, in a similar field of endeavor Ghashghai discloses determining which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation (Paragraphs [0199] [0200] and figure 17; collecting viewer actions, e.g. buttons pressed on a remote control, and automatic actions, e.g. autonomous program recording commands).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack by specifically providing the elements mentioned above, as taught by Ghashghai, for the purpose of collecting a more detailed

receiver operations history which would allow the content providers to make more accurate recommendations.

Regarding **claim 17**, Schlack and Ghashghai disclose the method of claim 16; however, it is noted that Schlack fails to explicitly disclose that a command signal indicative of viewing a television program for substantially an exact scheduled time is deemed to be associated with a personal video recorder operation.

Nevertheless, in a similar field of endeavor Ghashghai discloses that a command signal indicative of viewing a television program for substantially an exact scheduled time is deemed to be associated with a personal video recorder operation (Paragraphs [0199] [0200] and figure 17; automatic actions, e.g. autonomous program recording commands).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack by specifically providing the elements mentioned above, as taught by Ghashghai, for the purpose of collecting a more detailed receiver operations history which would allow the content providers to make more accurate recommendations.

Regarding **claim 19**, Schlack and Ghashghai disclose the method of claim 16; moreover, Schlack discloses that the viewer profile comprises a surfing history of the viewer (see col. 17 lines 35-53).

Regarding **claim 20**, Schlack and Ghashghai disclose the method of claim 19; moreover, Schlack discloses that the surfing history comprises: no more than a pre-defined number of surfing channels, each surfing channel having a corresponding total duration value (Col. 20 line 60 to col. 21 line 10; most watched networks),

and wherein a pre-determined number of the pre-defined number of surfing channels are designated as top surfing channels (Col. 22 lines 61-65, fig. 25A-D; a "Networks" column in Figs. 25A-B that lists surf networks "that are desirable to track". The examiner takes "desirable to track" to mean that this list is not inclusive of all surf channels but includes channels/networks that are visited most frequently and/or have the most dwell time, i.e. the top surf channels. Schlack discloses a broader list of surf channels, especially in Fig. 25D where a graph of the average channel dwell time for all networks in a given session is given. The number of surf channels shown in Fig. 25D is much larger than the surf channels shown in Fig. 25A-B, where only the "desirable to track" channels are listed).

Regarding **claim 21**, Schlack and Ghashghai disclose the method of claim 19; moreover, Schlack discloses that the top surfing channels are the channels having the longest total duration value, the corresponding total duration value for each surfing channel is being calculated by combining viewer's viewing time of the each surfing channel (Figures 25A-C, dwell time) during a pre- defined period of time (Col. 22 lines 61-65, fig. 25A-D, col. 23 lines 14-21; session window).

Regarding **claim 22**, Schlack and Ghashghai disclose the method of claim 21; moreover, Schlack discloses that a surfing channel having the total duration value below a pre-defined threshold is removed from the surfing history (Col. 23 lines 54-55 and fig. 25D; a channel surf history in a viewing session where the dwell time is represented in seconds. Channels having dwell times of less than one second threshold are not included in fig. 25D. The examiner understands this to mean that channels that don't have dwell times of at least one second are not "surf channels" (the viewer is not interested in programming offered on these channel and is merely changing the channel using the "channel up" or "channel down" to tune to a surf channel (a channel that may have desirable programming, therefore having a dwell time of 1 second or more) or to a top channel (see Fig. 20)).

Regarding **claim 23**, Schlack and Ghashghai disclose the method of claim 22; moreover, Schlack discloses that the parsing further comprises: determining, according to the set of stored processing rules, a viewing event (Col. 13 lines 15-18, col. 20 lines 33-38),

and if a duration of the viewing event is below a pre-defined surfing threshold, adjusting the total duration value of a surfing channel in the surfing history, wherein the surfing channel is a channel of the viewing event (Col. 23 lines 34-50 and figures 24 and 25B).

Regarding **claim 24**, Schlack and Ghashghai disclose the method of claim 16; moreover, Schlack discloses that the parsing further comprises: determining at least one viewing event according to the set of stored processing rules (see col. 13 lines 15-18, col. 20 lines 33-38).

Regarding **claim 25**, Schlack and Ghashghai disclose the method of claim 24; moreover, Schlack discloses that the viewer profile comprises: a program probability score corresponding to the at least one relevant viewing event (Fig. 18 A-C shows a program probability score that a man, woman, or child corresponds to a viewing event. Col. 19 line 56 to col. 20 line 59; Schlack also uses probability to determine what type of viewer is viewing programming at certain times during a session or throughout a day and goes on to state that his invention is not limited to distinguishing three viewer types but can use additional sets of rules and probabilities, which in conjunction with viewer interactivity data profiles, can be used to infer viewer demographics and other attributes. Other sets of rules and probabilities could also be utilized without departing from the scope of the present invention),

and a sum of all the program scores stored in the viewer profile equals 1 (Figure 18B; Probability scores for programs are stored in a viewer profile, which have a value between 0 and 1 and that the sum off all the probability scores, i.e. normalized probability. in a profile must equal 100% or 1).

Regarding **claim 26**, Schlack and Ghashghai disclose the method of claim 24; moreover, Schlack discloses that updating the viewer profile, comprising at least a first program probability score and a second probability score, further comprises:

adjusting the first program probability score based on a current viewing weight of correlating viewing event (Figure 18B; day part);

and adjusting at least the second program probability score so a sum of all program probability scores stored in the viewer profile equals 1 (as shown in Fig. 18A where probability would add to 1).

Regarding **claim 27**, Schlack and Ghashghai disclose the method of claim 24; moreover, Schlack discloses that the viewer profile comprises: at least one genre probability score corresponding to the at least one viewing event (See fig 18A; figure 18 A shows a genre probability score than a man, woman, or child corresponds to the viewing event),

and a sum of all the genre scores in the viewer profiles equals 1 (as shown in Fig. 18A where the genre of Action: Movie among all the profiles for the genders would add to 1).

Regarding **claim 28**, Schlack and Ghashghai disclose the method of claim 27; moreover, Schlack discloses that updating the viewer profile comprising at least a first genre probability score (Day part, figure 18B) and a second genre probability score (Genre probability, figure 18A), the method further comprising:

adjusting the first genre probability score based on a current viewing weight of correlating viewing event (The probability weight based on the gender of the viewer watching that genre fig. 18A and the day part that the program is airing Fig. 18B);

and adjusting at least the second genre probability score so a sum of all program probability scores stored in the viewer profile equals 1 (as shown in Fig. 18A where the genre of Action: Movie among all the profiles for the genders would add to 1).

Regarding **claims 29**, Schlack and Ghashghai disclose the method of claim 16; moreover, Schlack discloses that updating the viewer profile further comprises: deleting data about the parsed stream of command signals from a television viewing personalization system (Col. 31 line 39 to col. 32 line 31; deleting data about at least one viewing event).

Regarding **claim 30**, Schlack and Ghashghai disclose all the limitations of claim 30; therefore, claim 30 is rejected for the same reasons stated in claim 29.

Regarding **claims 32**, Schlack and Ghashghai disclose the method of claim 16; moreover, Schlack discloses that a command signal indicative of viewing a television program is deemed to be associated with a user activated control unit if the command signal indicative of viewing a television program is followed by another command signal within a pre-defined time period (Col. 6 lines 60-64 and figure 28A).

Regarding **claim 33**, Schlack discloses a television viewing personalization system (Abstract), comprising:

parsing means for parsing (Col 7 lines 10-12, col. 17 lines 15-24; dynamically determining viewer and content being watch at any given moment),,

in accordance with a set of stored processing rules (Col. 13 lines 15-18, col. 20 lines 33-38; heuristic rules),

a stream of command signals, and to generate, using command signals associated with a user activated control unit, information contemporaneously representative of the viewer's viewing behavior (Col. 11 lines 34-37, col. 13 lines 1-5);

and a viewing recommendation generating module comprising: means for dynamically determining at least one viewing recommendation based on the generated information, wherein the means for determining at least one viewing recommendation are in communication with the parsing means (Col. 7 lines 10-19, col. 17 lines 15-19, col. 36 lines 51-55; targeted content).

However, it is noted that Schlack fails to explicitly disclose determining which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation.

Nevertheless, in a similar field of endeavor Ghashghai discloses determining which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation (Paragraphs [0199] [0200] and figure 17; collecting viewer actions, e.g. buttons pressed on a remote control, and automatic actions, e.g. autonomous program recording commands).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack by specifically providing the elements mentioned above, as taught by Ghashghai, for the purpose of collecting a more detailed receiver operations history which would allow the content providers to make more accurate recommendations.

Regarding **claim 36**, Schlack and Ghashghai disclose all the limitations of claim 36; therefore, claim 36 is rejected for the same reasons stated in claim 32.

4. **Claims 18 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of Ghashghai further in view of Williamson et al (Pub No US 2003/0208767). Hereinafter, referenced as Williamson.

Regarding **claim 18**, Schlack and Ghashghai disclose the method of claim 16; however, it is noted that Schlack fails to explicitly disclose command signals not associated with a user activated control unit.

Nevertheless, in a similar field of endeavor Ghashghai discloses command signals not associated with a user activated control unit (Paragraphs [0199] [0200] and figure 17; automatic actions such as starting a recording process).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack by specifically providing the elements mentioned above, as taught by Ghashghai, for the purpose of collecting a more detailed receiver operations history which would allow the content providers to make more accurate recommendations.

However, it is noted that Schlack and Ghashghai fail to explicitly disclose a command signal indicative of a power event.

Nevertheless, in a similar field of endeavor Williamson discloses a command signal indicative of a power event (Paragraph [0117]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack and Ghashghai by specifically providing the elements mentioned above, as taught by Williamson, for the purpose of allowing a user to power on a device at a desired time in order to allow an automatic recording to take place when the user may not be at home.

Regarding **claim 34**, Schlack, Ghashghai and Williamson disclose all the limitations of claim 34; therefore, claim 34 is rejected for the same reasons stated in claim 18.

5. **Claims 31 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of Ghashghai further in view of Griesau et al (Patent No US 6,507,306). Hereinafter, referenced as Griesau.

Regarding **claims 31**, Schlack and Ghashghai disclose the method of claim 16; moreover, Ghashghai discloses that a command signal indicative of viewing a television program is deemed to be associated with a personal video recorder operation if the command signal immediately follows two consecutive command signals indicative of viewing television programs deemed to be associated with a user activated control unit (Paragraph [0131]; in the event that a user executes two television commands, e.g. change channel, and after the second channel change the user encounters a video content that the user chooses to record, then that third command would be deemed to be associated with a recorder).

Furthermore, Griesau also discloses a command signal indicative of viewing a television program is deemed to be associated with a personal video recorder operation if the command signal immediately follows two consecutive command signals indicative of viewing television programs deemed to be associated with a user activated control unit (Col. 4 lines 49-62, col. 7 lines 8-15 and figure 1 and 3; commands are deemed to be associated with a recorder after two consecutive remote control commands are received; first pressing the device button 40 and then selecting the device button).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schlack and Ghashghai by combining the known

techniques mentioned above, as taught by Griesau, for a predictable result of allowing the content receiver to be able to identify executable command and to operate according to said identified command.

Regarding **claim 35**, Schlack, Ghashghai and Griesau disclose all the limitations of claim 35; therefore, claim 35 is rejected for the same reasons stated in claim 31.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
June 5, 2009

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423